

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 67656

Glen J. Stone
Katherine Ann Stone
11 Derwood Court
Baltimore, MD 21234-1330

84 Kinship Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 30, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-207 premises (B) investment property, failure to keep investment property in a clean, safe and sanitary condition; section 13-4-201 (b)(d), failure to store garbage in a container with tight fitting lids on residential property zoned 10.5 known as 84 Kinship Road, 21222.

On September 30, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Ed Creed issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (one thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Glen Stone, Respondent and Ed Creed, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 21, 2009 for removal of untagged/inoperative vehicles, removal of dog feces, proper storage of garbage in containers with lids, and to abate rat infestation. This Citation was issued on September 8, 2009.

B. Inspector Ed Creed testified that the untagged vehicle was removed from this investment property. A garbage can with a lid has been obtained. However, tenants have been putting bagged garbage outside by the rear door instead of putting it into cans with tight lids. Rats are observed and there has been no extermination or abatement. Photographs in the file taken September 23, 2009 show six large bags of garbage on the ground outside the rear door. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Respondent should have taken immediate action to abate the rat infestation when the first notice was issued; County law requires an owner to take rat eradication measures within five days after receiving notice. BCC 13-7-305.

C. Respondent Glen Stone testified that he was unaware of the rat infestation and will send an exterminator to address it. He will remind the tenant about the importance of proper storage of garbage and will correct violations. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violations are corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violations are corrected, with garbage properly stored and professional exterminator engaged, by October 19, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 5th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.